

JOHN E. SMITH  
NICK K. BROOKE  
SMITH & STEPHENS, P.C.  
315 West Pine Street  
Missoula, Montana 59802  
Phone: (406) 721-0300  
Fax: (406) 721-5370  
john@smithstephens.com  
nick@smithstephens.com

*Attorney for Defendant*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

KEVIN WASHINGTON,

Plaintiff,

vs.

MATTHEW BRENT GOETTSCHKE,

Defendant.

Cause No. CV-20-2-BU-BMM-KLD

**DEFENDANT'S OPPOSED MOTION  
TO STAY PROCEEDINGS**

**MOTION**

COMES NOW the above named Defendant, through Counsel, and requests the Court to enter a stay of proceedings while the criminal matter related to this case is pending, pursuant to the Fifth Amendment of the U.S. Constitution and *Lefkowitz v. Turley*, 414 U.S. 70, 77, 94 S. Ct. 316, 322, (1973).

The Plaintiff has been contacted and opposes this motion.

RESPECTFULLY SUBMITTED this 7TH day of February, 2020.

SMITH & STEPHENS, P.C.

by: /s/John E. Smith  
**John E. Smith**  
*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of February, 2020, a copy of the foregoing document was served on the following persons by the following means:

1, 2 CM-ECF  
       Hand Delivery  
       Mail  
       Overnight Delivery Service  
       Fax

1. CLERK, UNITED STATES DISTRICT COURT
2. Kris McLean

By: /s/John E. Smith  
John E. Smith  
SMITH & STEPHENS, P.C.  
Attorney for Defendant